

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CINDYLYN LAMARCHE,

Plaintiffs,

v.

GREYHOUND LINES, INC.,

Defendant.

**ANSWER TO THIRD-PARTY
COMPLAINT**

08 CIV 2438 (PKL)

[Related to
06 CIV 13371 (PKL)]

-----X
GREYHOUND LINES, INC.,

Third-Party Plaintiff,

v.

MOTOR COACH INDUSTRIES, INC., UGL
UNICCO, Formerly Known as UNICCO Service
Company and THE GOODYEAR TIRE &
RUBBER COMPANY,

Third-Party Defendants.
-----X

Third-Party Defendant, UNICCO Service Company d/b/a UGL Unicco s/h/a UGL
UNICCO, Formerly Known As UNICCO Service Company, by its attorneys QUIRK AND
BAKALOR, P.C., sets forth the following upon information and belief:

FIRST: Denies having knowledge or information sufficient to form a belief as to any
of the allegations contained in the paragraphs of the Third-Party complaint numbered "1", "2", "3",
"4", "5", "12", "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "26", "29",
"30", "53", "55", "57", "58", "60", "61", "67", "70", "71", "83", "86", "89", "92", "102", "104",
"105" and "106".

SECOND: Denies each and every allegation contained in the paragraphs of the Third-Party complaint numbered "6", "7", "54", "68", "87", "90", "93" and "103".

THIRD: Refers paragraphs "10" and "11" of the Third-Party complaint to this Court as said paragraphs contain conclusions of law to which no response is required.

FOURTH: Denies having knowledge or information sufficient to form a belief as to any of the allegations contained in the paragraphs of the Third-Party complaint numbered "25", "27", "28", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "52", "63", "64", "65", "66", "69", "79", "80", "81", "82", "95", "98", "99", "100" and "101" and refers all issues of contract interpretation and law contained therein to this Court.

FIFTH: Denies each and every allegation contained in the paragraphs of the Third-Party complaint numbered "50" and "51" except admits that this answering defendant did not accept GREYHOUND LINES INC.'s demand for indemnity and refers all issues of the law contained therein to this Court.

SIXTH: Denies each and every allegation contained in the paragraphs of the Third-Party complaint numbered "73", "74", "76", "77", "84", "85" and "96" and refers all issues of contract interpretation and law contained therein to this Court.

**AS AND FOR A FIRST, SEPARATE
AND COMPLETE AFFIRMATIVE DEFENSE**

SEVENTH: The limitations of New York State CPLR Article 16 apply to this action.

**AS AND FOR A CROSS-CLAIM OVER AND AGAINST DEFENDANTS
MOTOR COACH INDUSTRIES, INC. and THE GOODYEAR RUBBER AND TIRE
COMPANY**

EIGHTH: If the plaintiff was caused to sustain damages at the time and place set forth in the plaintiff's Third-Party complaint through any carelessness, recklessness or negligence, other

than the plaintiff's own carelessness, recklessness or negligence, then said damages were sustained by reason of the carelessness, recklessness or negligence and/or acts of omission or commission of Third-Party defendants MOTOR COACH INDUSTRIES, INC., and THE GOODYEAR RUBBER AND TIRE COMPANY and if any judgment is recovered herein against this answering defendant, this answering defendant will be thereby damaged.

NINTH: By reason of the forgoing, Third-Party defendants, MOTOR COACH INDUSTRIES, INC. and THE GOODYEAR RUBBER AND TIRE COMPANY will be liable to the plaintiff for the full amount of any recovery herein by the plaintiff, or for that proportion thereof caused by the relative responsibility of Third-Party defendants, MOTOR COACH INDUSTRIES, INC. and THE GOODYEAR RUBBER AND TIRE COMPANY are bound to pay any and all attorneys' fees of UNICCO Service Company d/b/a UGL Unicco, s/h/a UGL UNICCO, Formerly Known As UNICCO Service Company, as well as, costs of investigation and disbursements.

WHEREFORE, defendant UNICCO Service Company d/b/a UGL Unicco s/h/a UGL UNICCO, Formerly Known As UNICCO Service Company, demands judgment dismissing the Third-Party complaint of the Defendant/Third-Party Plaintiff, and demands judgment on its cross claim together with the costs, disbursements and attorneys' fees of this action.

Dated: New York, New York
May 12, 2008

Yours, etc.

QUIRK AND BAKALOR, P.C.

By: 

Scott P. Taylor (7761)

Attorneys for Third-Party Defendant
UNICCO Service Company d/b/a UGL
Unicco s/h/a UGL UNICCO, Formerly
Known As UNICCO Service Company

845 Third Avenue
New York, New York 10022
(212) 319-1000

TO: KREINDLER & KREINDLER
Attorneys for Plaintiffs
KIRSTEN ANDERSON; CHRISTIAN YOPA
ABI-SARA MACHOLD and CINDYLYN LAMARCHE
100 Park Avenue, 18th Floor
New York, New York 10017
(212) 687-8181

E. STEWART JONES, PLLC
Attorneys for Plaintiff
CINDYLYN LAMARCHE
28 Second Street
Troy, New York 12181

FABIANI COHEN & HALL, LLP
Kevin B. Pollak (KBP 6098)
*Attorneys for Defendant/
Third-Party Plaintiff*
GREYHOUND LINES, INC.
570 Lexington Avenue, 4th Floor
New York, New York 10022
(212) 644-4420

NOVACK BURNBAUM CRYSTAL LLP
Attorneys for Third-Party Defendant
MOTOR COACH INDUSTRIES, INC.
300 East 42nd Street
New York, New York 10017
(212) 682-4002

HERRICK, FEINSTEIN, LLP
Attorneys for Third-Party Defendant
**THE GOODYEAR TIRE &
RUBBER COMPANY**
2 Park Avenue
New York, New York 10016
(212) 592-1400

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated:

STATE OF NEW YORK, COUNTY OF

SS.:

The name signed must be printed beneath

I, the undersigned, being duly sworn, depose and say: I am

☐ Individual
Verification

in the action; I have read the foregoing

and know the contents thereof; the same is true to my own knowledge, except
as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

☐ Corporate
Verification

the of
a

corporation and a party in the within action; I have read the foregoing
and know the contents thereof; and the same is true to my own knowledge,

except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true. This
verification is made by me because the above party is a corporation and I am an officer thereof.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Sworn to before me on

The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF

New York

SS.:

(If more than one box is checked—indicate after names type of service used.)

I, the undersigned, being sworn, say: I am not a party to the action, am over 18 years of age and reside at Valley Stream, N.Y.
May 12, 2008 Answer to Third-Party Complaint

I served the within

☒ Service
By Mail

by mailing a copy to each of the following persons at the last known address set forth after each name below.

☐ Personal
Service on
Individual

by delivering a true copy of each personally to each person named below at the address indicated. I knew each person served
to be the person mentioned and described in said papers as a party therein:

☐ Service by
Electronic
Means

by transmitting a copy to the following persons by ☐ FAX at the telephone number set forth after each name below ☐ E-MAIL
at the E-Mail address set forth after each name below, which was designated by the attorney for such purpose, and by mailing a
copy to the address set forth after each name.

☐ Overnight
Delivery
Service

by dispatching a copy by overnight delivery to each of the following persons at the last known address set forth after each name
below.

KREINDLER & KREINDLER

Attorneys for Plaintiffs

KIRSTEN ANDERSON; CHRISTIAN YOPA

ABI-SARA MACHOLD and CINDYLYN LAMARCHE

100 Park Avenue, 18th Floor

New York, New York 10017

E. STEWART JONES, PLLC

Attorneys for Plaintiff

CINDYLYN LAMARCHE

28 Second Street

Troy, New York 12181

FABIANI COHEN & HALL, LLP

Kevin B. Pollak (KBP 6098)

Attorneys for Defendant/

Third-Party Plaintiff

GREYHOUND LINES, INC.

570 Lexington Avenue, 4th Floor

New York, New York 10022

HERRICK, FEINSTEIN, LLP

Attorneys for Third-Party Defendant

THE GOODYEAR TIRE &

RUBBER COMPANY

2 Park Avenue

New York, New York 10016

NOVACK BURNBAUM CRYSTAL LLP

Attorneys for Third-Party Defendant

MOTOR COACH INDUSTRIES, INC.

300 East 42nd Street

New York, New York 10017

DARA L. ROSENBAUM
Notary Public, State of New York
No. 024057218
Qualified in New York County
Commission Expires October 25, 2011

Sworn to before me on

May 12, 2008

The name signed must be printed beneath

Ludy Aristilde

SOUTHERN DISTRICT OF NEW YORK

CINDYLYN LARMARCHE,

Plaintiff,

-against-

GREYHOUND LINES, INC.

Defendant.

AND OTHER ACTIONS

ANSWER TO THIRD-PARTY COMPLAINT

QUIRK AND BAKALOR, P.C.

Third-Party Defendant, UNICCO Service Company
Attorney(s) for d/b/a/ UGL Unicco s/h/a UGL UNICCO, Formerly Known As
UNICCO Service Company
Office and Post Office Address, Telephone

845 Third Avenue
NEW YORK, NEW YORK 10022
(212) 319-1000

To

Signature (Rule 130-1.1-a)

Print name beneath

Service of a copy of the within is hereby admitted.

Attorney(s) for

Dated: _____

PLEASE TAKE NOTICE:

☐ NOTICE OF ENTRY

that the within is a (*certified*) true copy of a
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order
will be presented for settlement to the HON.
within named Court, at
on

at

M.

Dated,

of which the within is a true copy
one of the judges of the

Yours, etc.

QUIRK AND BAKALOR, P.C.